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8 UNITED STATES BANKRUPTCY COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 OAKLAND DIVISION

11 In re

12 BAY AREA CHILDREN'S THEATRE,

13 Debtor.

Case No. 23-40890-WJL

Chapter 7

**EX PARTE MOTION FOR ORDER
ALLOWING LIMITED NOTICE
PURSUANT TO FEDERAL RULE 2002(g)
AND LBR 2002-1(c) AND TO ALLOW
SERVICE OF DOCUMENTS BY
ELECTRONIC MAIL**

16 **TO: THE HONORABLE WILLIAM J. LAFFERTY, III, UNITED STATES**
17 **BANKRUPTCY JUDGE AT OAKLAND, CALIFORNIA, THE DEBTOR, AND THE U.S.**
TRUSTEE:

18 Michael G. Kasolas, the duly appointed and acting Chapter 7 trustee ("**Trustee**") in the
19 above-captioned estate of Bay Area Children's Theatre ("**Debtor**"), moves this Court for an order
20 reducing the number of persons entitled to receive notice under Bankruptcy Rule 2002(g) and
21 Local Bankruptcy Rule 2002-1(c), and represents as follows:

- 22 1. The Debtor filed a Voluntary Petition under Chapter 7 on July 24, 2023.
- 23 2. Trustee is filing this *Ex Parte Motion for Order Allowing Limited Notice Pursuant*
24 *to Federal Rule of Bankruptcy 2002(h) and to Allow Service of Documents By Electronic Mail*
25 ("**Motion**") in order to reduce the time and expense to the estate of mailing notices to all creditors.
- 26 3. Federal Rule 2002(h) provides:
 - 27 (h) Notices to Creditors Whose Claims are Filed.
28 (1) Voluntary Case. In a voluntary chapter 7 case, chapter 12 case,
or chapter 13 case, after 70 days following the order for relief under that

chapter or the date of the order converting the case to chapter 12 or chapter 13, the court may direct that all notices required by subdivision (a) of this rule be mailed only to:

the debtor;
the trustee;
all indenture trustees;
creditors that hold claims for which proofs of claim have been filed; and
creditors, if any, that are still permitted to file claims because an extension was granted under Rule 3002(c)(1) or (c)(2).

4. It has been 70 days since the Debtor filed its Voluntary Petition on July 24, 2023, and the last day for creditors to file timely proofs of claim in this case was October 27, 2023.

5. As of the filing of this Motion, there are 2,256 mailable recipients and interested parties listed on the Court's mailing matrix.

6. To date, one-hundred fifteen (115) proof of claims have been filed in the Debtor's bankruptcy case.

7. To avoid the cumulative cost of mailing notices to all parties set forth in the Court's mailing matrix, the Trustee requests permission of the Court to limit notice pursuant to Rule 2002(h) requiring notices to be sent to: a) the debtor, b) the trustee, c) all indenture trustees, d) creditors that hold claims for which proofs of claim have been filed; and e) creditors, if any, that are still permitted to file claims by reason of an extension granted pursuant to Rule 3002(c)(1) or (c)(2) (collectively the "**Limited Notice List**").

8. Trustee also requests authority to serve general notices to parties listed on the Limited Notice List and parties who have requested special notice but who are not ECF recipients, by electronic mail in lieu of first class mail. Trustee's counsel has reviewed all claims filed in this case and email addresses were provided for all but one claimant. Parties on the Limited Notice List who did not provide an email address will receive notice by first class mail. Attached hereto as **Exhibit A** is a list of all claims filed to date with their respective email addresses and parties who have requested special notice.

9. Permitting notice of general notices by electronic mail in lieu of first class mail is appropriate in view of the continuing conditions of the remote work environment in response to the Covid 19 pandemic and will result in less expensive and less time-consuming mail processing

1 by recipients and the estate.

2 WHEREFORE, Trustee requests that an order be entered:

3 1. Granting this ex parte motion;

4 2. Authorizing the Trustee to serve future notices as required under Bankruptcy Rule
5 2002(a) only on: a) the debtor, b) the trustee, c) all indenture trustees, d) creditors that hold claims
6 for which proofs of claim have been filed; and e) creditors, if any, that are still permitted to file
7 claims by reason of an extension granted pursuant to Rule 3002(c)(1) or (c)(2);

8 3. Authorizing Trustee to serve the Limited Notice List and those parties who have
9 requested special notice, but are not ECF recipients, by electronic mail for all claimants who have
10 provided an email address in lieu of first class mail; and

11 4. For such other and further relief as the Court deems proper.

12 DATED: January 4, 2024

FENNEMORE WENDEL

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15 By: /s/ Mark S. Bostick
16 Mark S. Bostick
17 Lisa Lenherr
18 Attorneys for Michael G. Kasolas, Trustee
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EXHIBIT A

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EXHIBIT A

LIMITED NOTICE LIST

**DEBTOR, UNITED STATES TRUSTEE AND PARTIES REQUESTING SPECIAL NOTICE
(ECF Participants)**

Service by Notice of Electronic Filing

Name and Address	NEF Email Address
Stephen D. Finestone Finestone Hayes LLP 456 Montgomery St. 20th Fl. San Francisco, CA 94104	Stephen D. Finestone on behalf of Debtor Bay Area Children's Theatre sfinestone@fhlawllp.com
Office of the U.S. Trustee/Oak Office of the United States Trustee Phillip J. Burton Federal Building 450 Golden Gate Ave. 5th Fl., #05-0153 San Francisco, CA 94102	Office of the U.S. Trustee/Oak USTPRegion17.OA.ECF@usdoj.gov
Daren M Schlecter Law Office of Daren M. Schlecter 10866 Wilshire Blvd., Suite 1270 Los Angeles, CA 90024	Daren M Schlecter on behalf of Creditor Desired Effect, LLC daren@schlechterlaw.com, info@schlechterlaw.com

PARTIES WHO HAVE FILED A PROOF OF CLAIM

CLAIM NO.	CLAIMANT	EMAIL ADDRESS
1	Courtnee Hamity 537 Kains Ave Albany, CA 94706	courtnee.hamity@gmail.com
2	Jodi Lomask 1634 Francisco Street Berkeley, CA 94703	jodi@capacitor.org
3	Claire Amley-Martinez 455 Kingsford Drive Moraga, CA 94556	amley@stanfordalumni.org
4	Doug Wiest 1900 Las Trampas Rd Alamo CA 94507	dcwiest@gmail.com
5	Ella Gower 3025 Windmill Canyon Drive Clayton, CA 94517-3025	Service by First Class Mail

CLAIM NO.	CLAIMANT	EMAIL ADDRESS
6	Cortney Bucks 601 Hillgirt Circle Oakland, CA 94610	cortney_BUCKS@YAHOO.CO.,
7	CRF USA 801 Nicollet Mall, Suite 1700W Johanna Hayden Minneapolis, MN 55402	courtnee.hamity@gmail.com
8	Marie Szuts 600 Haddon Road Oakland, CA 94610	MARIE.SZUTS@GMAIL.COM
9	Derlin Hsu 2051 De Anza Ln Hercules, CA 94547	ms.derlinhsu@gmail.com
10	Dorcas Cheng-Tozun 6611 Bubblingwell Place San Jose, CA 95120	dorcasct@gmail.com
11	Allison Holton 1415 Allston Way Berkeley, CA 94702	allisonholton@gmail.com
12	Kirstin Hernandez 3148 Maxwell Avenue Oakland', CA 94619	kirstinhernandez@gmail.com
13	Kate Finney 2834 Forest Ave Berkeley, CA 94705	katefinney@gmail.com
14	Abelina Andrea Ugaz 451 46th Street Richmond, CA 94805	andreaugaz@sbcglobal.net
15	Nancy Fong 230 Las Quebradas Alamo CA 94507	nsfong325@hotmail.com
16	Mandy Andree 138 San Carlos Avenue El Cerrito, CA 94530	mandyandree@gmail.com
17	Courtney Burmann 19 Kimberlin Heights Drive Oakland, CA 94619	courtneyt@xoanon.net
18	Esther An 1504 Sonoma Ave Albany, CA 94706	esstah180@gmail.com

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21	Sabina Siddiqi 2424 Prince St Berkeley, CA 94705	sabinasiddiqi7@gmail.com
22	Silver, Sarit 6020 Zinn Oakland, CA 94611	silver.sarit@gmail.com
23	Nora Flum 3738 Glen Park Road Oakland, CA 94602	noraflum@gmail.com
24	Rajesh Gupta 2113 West Street Unit B Berkeley, CA 94702	rguptacontact@gmail.com
25	Carol Hui 1649 Grand Ave Piedmont CA 94611	carolhui426@gmail.com
26	Jeff Weissman 3025 Jordan Rd Oakland, CA 94602	weissman.jeff@gmail.com
27	Anthea Ma 3238 Sylvan Ave Oakland, CA 94602	a31lee@gmail.com
28	Adam Daoud-Gray 3799 Harrison St Oakland, CA 94611	adam.l.daoud@gmail.com
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31	Melissa Little 1471 Hopkins St Berkeley, CA 94702	melissabautistalittle@gmail.com
32	Seunghye Kim 1011 Evelyn Ave. Albany, CA 94706	snikim81@gmail.com

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33	Roshni Jain 3 Downey Place Oakland, CA 94610	roshni.jain@gmail.com
34	Victoria Main 3325 82nd Ave Oakland, CA 94605	torimain@gmail.com
35	Deborah Christman 4097 Greenwich Drive San Ramon, CA 94582	owlscapes@gmail.com
36	Kristen Emmons D Arrigo 1035 Santa Fe Avenue Albany, CA 94706	kemmons@gmail.com
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38	Sloane Reinke 151 Tunnel Rd. Berkeley CA 94705	sloaneardis@gmail.com
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44	Jennifer Soliz 224 Catalina Ave Pacifica CA 94044	jennifersoliz@gmail.com
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46	Rachel Masory 8209 Abellia Ct Dallas TX 75252	rmasjm@gmail.com

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52	Wanyu Rengie Chan 931 Carmel Ave Albany, CA 94706	rengie.chan@gmail.com
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58	Kristina M. Gallo 2181 Northampton Dr San Jose CA 95124	gallo3family@gmail.com
59	Nora Pelot 1745 Sexton View Lane Sebastopol, CA 95472	nora.pelot@gmail.com
60	Eric Bellman 261 Stanford Ave. Kensington, CA 94708	eric.bellman@wsj.com

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61	Itzel Hayward 208 John Street Oakland, CA 94611	iberrio@gmail.com
62	Internal Revenue Service P.O. Box 7346 Philadelphia, PA 19101-7316	patrece.birch@irs.gov
63	Julie Tinker Ward 560 Wesley Ave Oakland, CA 94606	Julietinker@gmail.com
64	Gila Pourheidari 540 Queens Rd Alameda, CA 94501	gpourhei@yahoo.com
65	Betsy R. Borruso 5041 Kevin Ct Castro Valley, CA 94546	outdoor4@gmail.com
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71	Aprio 150 Post Street Suite 200 San Francisco, CA 94108	torri.martin@aprio.com
72	Megan Slater 1271 Washington Ave #717 San Leandro, CA 94577	megansslater@gmail.com
73	Desired Effect, LLC Daren M. Schlecter, Esq. 10866 Wilshire Blvd., Suite 1270 Los Angeles, CA 90024	daren@schlecterlaw.com; lyle@desiredeffect.com

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76	David MacFadden Elliott 2126 McKinley Ave. Berkeley, CA 94703	davidmacfadden@gmail.com
77	MaryAnn White 150 Shawnee Ave San Francisco, CA 94112	mawhite150@gmail.com
78	U.S. Bank National Association Bankruptcy Department PO Box 108 Saint Louis MO 63166-0108	poc@ourcardhelp.com
79	Catherine OConnor 1224 Richmond street El cerrito, CA 94530	cathyoc16@icloud.com
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95	Nick Walsh 6003 El Dorado Street El Cerrito, CA 94530	nicktaylorwalsh@gmail.com
96	Diana Garber 201 Sheridan Road Oakland, CA 94618	diana.garber@gmail.com
97	Kari Goodman 5221 Hillen Drive Oakland, CA 94619	kariroeschgoodman@gmail.com
98	Monika Gromek 619 Mariposa Ave Oakland, CA 94610	mgromek@mac.com
99	See Jane Run, Inc. (d/b/a Sawyer) 99 Wall Street Suite 1134 New York, NY 10005	stephanie@hisawyer.com

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102	Rachel Swan 2048 Junction Ave. El Cerrito, CA 94530	learachelswan@gmail.com
103	Rachel Swan 2048 Junction Ave. El Cerrito, CA 94530	learachelswan@gmail.com
104	Yeil Kim 1123 66th st. Oakland, CA 94608	yale0202@gmail.com
105	CVBAF Acq, LLC, a Delaware limited liability co 1901 Avenue of the Stars, Suite 1950 Los Angeles, CA 90067	ilandsberg@sklarkirsh.com; mfalley@cityview.com
106	Kate Mahoney 640 59th Street Oakland, CA 94609	kbmahoney@gmail.com
107	Kristina Tyner 2828 Oxford Ave. San Pablo, CA 94806	krisjtyner@gmail.com
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109	Alyssa Wodtke 5808 Ocean View Drive Oakland, CA 94618	lucylarou@gmail.com
110	Jennifer Singler 1793 San Lorenzo Ave Berkeley, CA 94707	bogonflux@gmail.com
111	Monique Raco Fuentes 1410 Glenfield Ave Oakland, CA 94601	mojustice@gmail.com
112	Heather Erickson 689 Arimo Ave Oakland, CA 94610	herickson7@gmail.com

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114	Daniel Bellino 9 Maydon Court Oakland, CA 94605	dannybellino@gmail.com
115	Jennie Ann Levitt 68 Avis Rd Berkeley CA 94707	Jennie.levitt@gmail.com

PARTIES REQUESTING SPECIAL NOTICE

ECF RECIPIENTS

Name and Address	ECF Address
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PARTIES APPEARING IN CASE

Name and Address	
Jessica Sliwerski 4280 Howe Street Oakland, CA 94611	Notice of Change of Address Filed on 9/11/2023 (Doc# 21) Service by First Class Mail
Madhavi Kushner 10 Alamo Avenue Berkeley, CA 94708	Notice of Change of Address filed on August 8, 2023 (Doc#12) Service by Email Pursuant to Claim No. 86